IN RE: PETITION FOR ZONING VARIANCE N/S Barnes Avenue, 1058' W of Deer Park Road (4712 Deer Park Road)

2nd Election District

* BEFORE THE

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY 3rd Councilmanic District

* Case No. 90-69-A

Barry S. Levin, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance to permit a diametral dimension of 198.92 feet in lieu of the required 300 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Barry J. Henderson, Esquire. Also appearing on behalf of the Petition was Kenneth Albert, previous owner of the property, and Hal Miller, Contract Builder. There were no Protestants.

Testimony indicated that the subject property, known as 4712 Deer Park Road, consists of 3.036 acres more or less zoned R.C. 4 and is located off of Barnes Avenue with a panhandle drive access from Deer Park Road. Said property was purchased by Petitioners in August 1988 from Mr. Albert. Upon application for a building permit, Petitioners' builder was advised that the property required the requested variance from zoning regulations. Testimony indicated that due to the unique shape of the lot and there no adjoining property owned by Petitioners and/or their predecessor in interest to correct the error, the relief requested is needed in order for Petitioners to develop the lot. Petitioners testified they have spoken with the adjoining neighbors who have no objections. Testimony indicated that the requested variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable

Pur uant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

hardship upon the Petitioner.

THEREFORE, IT IS ADERED by the Deputy Zoning Commissioner for Baltimore County this May of September, 1989 that the Petition for Zoning Variance to permit a diametral dimension of 198.92 feet in lieu of the required 300 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioners shall comply with all front, rear and side yard setback requirements as to the development of the subject property.

> > ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

37867 522

THIS DEED, Made his 21,5 day of May 1988, between /Kenneth Jerome Albert and Patricia Sharon Albert, his wife, parties of the first part and Kenneth Jerome Albert and Patricia Sharon Albert, his wife, parties of the second part.

WITNESSETH, that in consideration of the sum of one dollar and other good and valuable considerations, the said Henneth Jerona Albert and Patricia Sharon Albert, parties of the first part, do grant and convey to Kenneth Jerome Albert and Patricia Sharon Albert, parties of the second part, in fee single all that lot of ground situate in Baltimore County, Maryland, known as 4712 beer Park Road and as now divided into 2 partiels as shown on a plat by J. Robert Cassell, registered land surveyor, haid plat being attached and made a part of this deed, hald parcels being more particularly described as follows:

Probability Beginning for the first at an iron pipe found at the end of the fourth or \$18° 01'W, 139.0 foot line of a deed letween living D. Peregoy and betty F. Peregoy, his wife, parties of the first part, and Kenneth Jerome Albert and Patricia Charen Albert, his wife, parties of the second part, said deed being dated 29 September 1967, and recorded among the land records of Bultimore County in Liber 4809, Folio 652; thence leaving said point and running with and binding on the fifth, sixth, seventh, eighth, mineth and tenth lines of the above mentioned Peregoy deed the following courses as now surveyed, said bearings being referenced to the Bultimore County coordinate system: (1) N53° 31'16"W, 503.45 feet to an iron pipe found; (2) N36° 19'37"E, 198.92 feet to an iron pipe found; (3) S53° 36'34"E, 239.86 feet to an iron pipe found; (4) \$36° 38'57"E, 126.75 feet to an iggn pape found; (5) N19° 21'03"E, 562.50 feet to a point; and (6) HITER S54° 06'57"E, 332.77 feet to a point, said point lying at the #34757 feet to a beginning of the first line of the aforementioned Peregoy deed; thence leaving said point and running for new lines of description; (7) N84° 38'49"W, 321.90 feet to a point; (8) S29° 21'03"W, 410.00 feet to a point; and (9) \$36° 37'30"E, 65.74 feet to a point, said point lying at the beginning of the fourth or \$18°01'W, 139.00 feet line of the aforementloned Peregoy deed; thence leaving said point and running with said fourth line; (10) S18° 56'11"W. 138.20 feet to the place of beginning.

Containing in all 3.036 acres more or less. PARCEL II: Beginning for the same at a point located at The end of the sixth line of the above described Parcel I, said

Home of Coleman, Don 5-13-84

THIS DEED, Made this 12th day of August, 1988 by and between Kennett Jerome Albert and Patricia Sharon Albert, his wife, parties of the first part and Barry S. Levin and Kimberly Levin, his wife, parties of the second part.

WITNESSETH, That in consideration of the sum of Firty-Five Thousand and 00/100ths (\$55,000.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged; the said parties of the first part do grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say: "-

BEGINNING for the same at an iron pipe found at the end of the fourth or South 18 degrees 01 minutes West, 139.0 foot line of a deed between Emory D. Peregey and Betty F. Peregey, his wife parties of the first part, and Kenneth Jerome Albert and Patricia Sharon Albert, his wife, parties of the second part, said deed being dated 29 September 1967, and recorded among the and records of Baltimore County in Liber 4809, folio 652; thence leaving said point and running with and binding on the fifth, six+h, seventh, eighth, minth and tenth lines of the above mentioned Peregoy deed the following courses as now surveyed, said bearings being referenced to the Baltimore County coordinate system: (1) North 53 degrees 31 minutes 16 seconds West, 503.45 feet to an iron pipe found; (2) North 36 degrees 19 minutes 37 seconds East, 198.92 feet to an iron pipe found; (3) South 53 degrees 36 minutes 34 seconds East, 239.86 feet to an iron pipe found; (4) South 36 degrees 38 minutes 57 seconds East, 126.75 feet to an iron pipe found; (5) North 29 degrees 21 minutes 03 seconds East, 562.50 feet to a point; and (6) South 54 degrees 06 minutes 57 seconds East, 332.77 feet to a point, said point lying at the beginning of the first line of the aforementioned Peregoy deed; thence leaving said point and running for new lines of description; (7) North 84 degree 38 minutes 49 seconds Vest, 321,90 feet to a point; (8) South 29 degrees 21 minutes 03 records West, 410.00 feet to a point; and (9) South 36 degrees 37 minutes 30 seconds East, 65.74 feet to a point, said point lying at the beginning of the feurth or South 18 degrees 01 minutes West, 137.00 feet line of the afcrementioned Peregoy deed; thence leaving said point and running with said fourth line; (10) South 18 degrees 56 minu es 11 seconds West, 138.20 feet to the place of beginning. Containing in all 3.036 acres, more or less.

REHLIG the same as Parcel I which by Deed dated May 21, 1988 and recorded among the Land Records of Bultimore County in liber 7867, felio 522 was granted and conveyed by Kenneth Jerome Albert and Fatricia Sharon Albert, his wife to the herein

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD, the said described lot of ground and premises to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns graphiee ga

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the groperty continues the sufference of the suf hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

State of Maryland, Carrell County to wit: I HEREBY CERTIFY, That on this 12th day of Adgust, 1988, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Kenneth C erome Albert and Parricia Sharon Albert, his wife, known to me (or satisfactorily a proven) to be the persons whose names are subscribed to the within in wirr acknowledged the foregoing Deed to be their act, and in my presence signs and IN WITNESS WHEREOF, I hereunto set my hand and official

My Commission Expires: July 1, 1990

REIURN TO: LANDMARK TITLE COMPANY, 501 Main Street, Reisterstown, Maryland 21130

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

537

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section ____1803_4_paragraph_R_subparagraph_3 to allow a diametral___ -- dimension-of-198-92-in-lier-of-the-required 300 ft A A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) That the Owners purchased property pursuant to what they were assured was an approved and recorded subdivision deed and plat.

They have gone to substantial expense to prepare to build a home on the lot, where only to be told at the time application for a building permit was made that the recorded deed and plat were not approved.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property (
	which is the subject of this Petition wi	A PW II	
Contract Purchaser:	Legal Owner(s):	1-(
(Type or Print Name)	(Type or Print Name)	D	
Signature	Signature Barry S. Levin	- <u> </u>	
Address	(Type or Print Name)	-100 -17 	
City and State	Signature Kimberly) I. Levin	17,	
Attorney for Petitioner:	•		
Barry J. Henderson (Type or Print Name)	Address Phone No.	 o.	
Signature	City and State		
3701 Old Court Road Suite 17 Address	Name, address and phone number of legal owner, tract purchaser or representative to be contacted	, con-	
Baltimore, Maryland 21208 City and State	Barry J. Henderson Name		
Attorney's Telephone No.: _(301)_484-3666_	3701 Old Court Road Suite 17 Address Baltimore, Md. 21208 484-3666	 D.	
ORDERED By The Zoning Commissioner of B	Saltimore County, this	day	
of	A Y a the Till Bull hear the the Had hetera the Yo	ugh-	
County, on the day of	Lucy , 19 89, at 2 0'c		
- / M.	a Robert Hou	in early	

Baltimore County Zoning Commission Towson, Maryland 21204 (301) 887-3353

DATE 8-17-89

Mr. & Mrs. Barry S. Levin 4712 Deer Park Road Owings Mills, Maryland 21117

> Re: Petition for Zoning Variance CASE NUMBER: 90-69-A N/S Barnes Avenue, 1058' W of Deer Park Road 4712 Deer Park Road 2nd Election District - 3rd Councilmanic

Petitioner(s): Barry S. Levin, et ux

HEARING SCHEDULED: WEDNESDAY, AUGUST 30, 1989 at 2:00 p.m.

Please be advised that $$\frac{84.03}{}$ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY <u>UNTIL THE DAY OF THE HEARING.</u>

check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

		= +- y-	
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No.	074543	an & post set(s), mount for each su
DATE ACCOUNT	KO164	Cao	•
AMOUNT	\$ 84.0	3	unea
RECEIVED CAN S. F. S. FROM	to the same		NER
FOR PORT - 5/30/5/-	using 90	0-68-A	
B 112******8	4£3:a 336%F		
TRIBUTION OR SIGNA	TURE OF CASHIER		

end of the fourth or South 18 degrees 01 minutes West, 139.0 foot line of a deed between Emory D. Peregoy and Betty F. Peregoy, his wife, parties of the first part, and Kenneth Jerome Albert and Patricia Sharon Albert, his wife, parties of the second part, said deed being dated 29 September 1967, and recorded among the Land Records of Baltimore County in Liber 4809, Folio 652; thence leaving said point and running with and binding on the fifth, sixth, seventh, eighth, ninth and tenth lines of the above mentioned Peregoy deed the following courses and now surveyed, said bearings being referenced to the Baltimore County coordinate system: (1) North 53 degrees 31 minutes 16 seconds West, 503.45 feet to an iron pipe found; (2) North 36 degrees 19 minutes 37 seconds East, 198.92 feet to an iron pipe found; (3) South 53 degrees 36 minutes 34 seconds East, 239.86 feet to an iron pipe found; (4) South 36 degrees 38 minutes 57 seconds East, 126.75 feet to an iron pipe found; (5) North 29 degrees 21 minutes 03 seconds East, 562.50 feet to a point; and (6) South 54 degrees 06 minutes 57 seconds East, 332.77 feet to a point, said point lying at the beginning of the first line of the aforementioned Peregoy deed; thence leaving said point and running for new lines of division; (7) North 84 degrees 38 minutes 49 seconds West, 321.90 feet to a point; (8) South 29 degrees 21 minutes 03 seconds West, 410.00 feet to a point; and (S) South 36 degrees 37 minutes 30 seconds East, 65.74 feet to a point, said point lying at the beginning of the fourth or South 18 degrees 01 minutes West, 139.00 feet line of the aforementioned Peregoy deed; thence leaving said point and running with said fourth line; (10) South 18 degrees 56 minutes 11 seconds West 138.20 feet to the place of beginning. Containing in all 3.036 acres, more or less, and being 1058 feet plus or minus from the intersection of Barnes Avenue and Deer Park Road.

BEGINNING for the same at an iron pipe found at the

BEING the same as Parcel I which by Deed dated May 21, 1988 and recorded among the Land Records of Baltimore County in Liber 7867, Folio 522 was granted and conveyed by Kenneth Jerome Albert and Patricia Sharon Albert, his wife to the

Office of Planning & Zoning J. Robert Haines
Zoning Commissioner

Please make your check payable to Baltimore County, Maryland. Bring the

nura august 18-19

Date of Posting August 9-89.

#77574 COOL ROS [1

Wariane

Scort of subject property

CERTIFICATE OF POSTING

Petitioner: Barry & Levin et ux

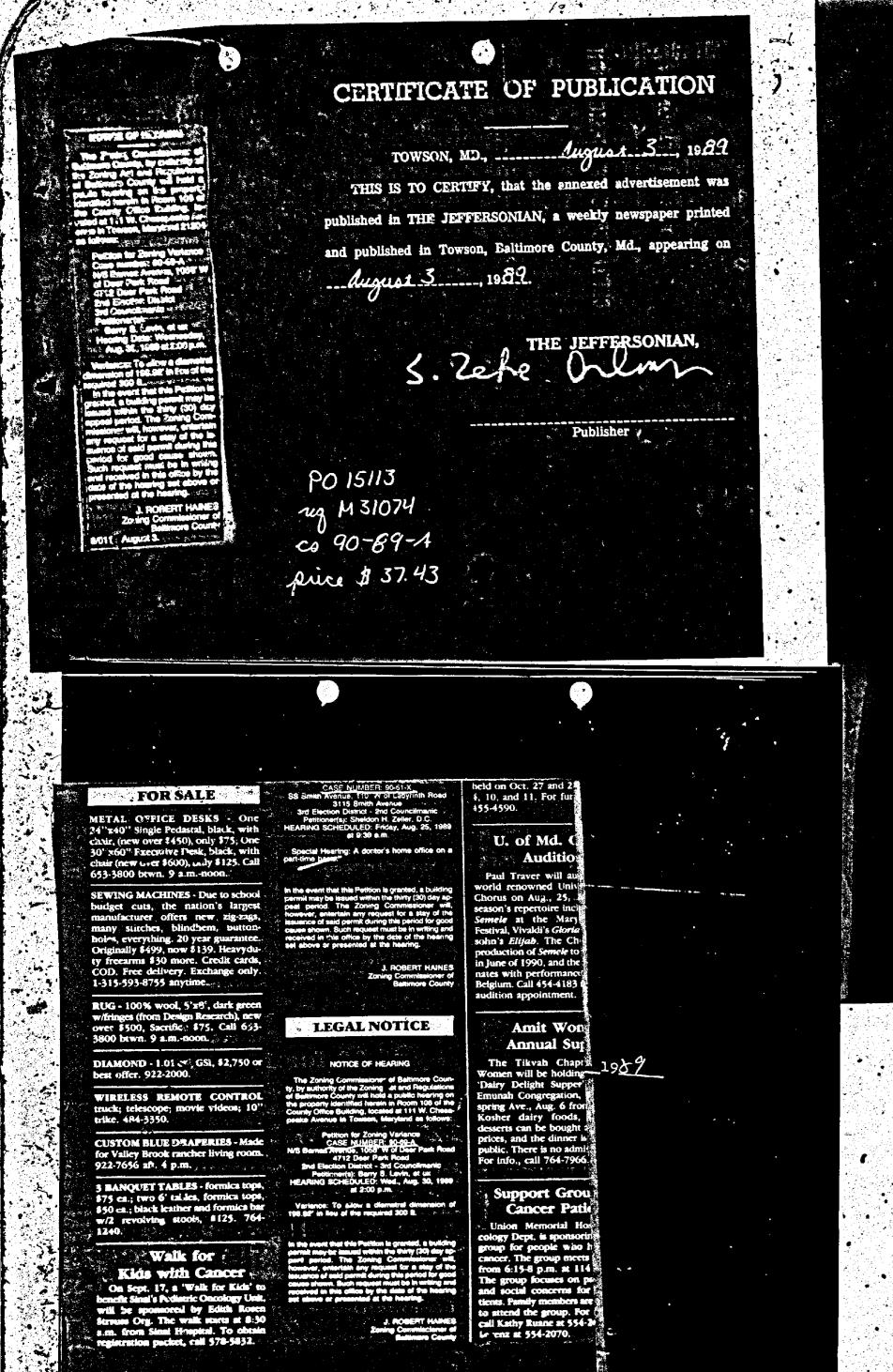
Location of property: NS of Barnes Poul, 1058'W of

Deer Pork Poul 4712 Deer Freh Road

Location of Signs north side of Barnes Road in

1/122 TIVERTUN REC 121133

YIDD Teverta Rel. 21133



manager / runk

Cost of Advertisement 21.60

Biltimore County
Department of Public Works Bureau of Traffic Engineering, Courts Building, Suite 405 AUS 3 1989 Towson, Maryland 21204 BALTIMORE COUNTY, MARYLAND (301) 887-3554 ZONING OFFICE INTER-OFFICE CORRESPONDENCE J. Robert Haines DATE: August 16, 1989 July 31, 1989 Zoning Commissioner Pat Keller, Deputy Director // Office of Planning and Zoning Dennis F. Rasmussen
County Executive Mr. J. Robert Haines Barry and Kimberly Levin, Item 537 SUBJECT: Zoning Petition No. 90-69-A Zoning Commissioner County Office Building Towson, MD 21204 The petitioners request a variance to allow a diametral dimension less than the required 300 feet. In reference to the above request, the Office of Planning and Zoning offers no comment. Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for items number 534, PK/JL/sf 535, 536, 537, 538, 539, and 540. Very truly yours, Michael S. Flanigan Traffic Engineer Associate II MSF/lab AUG 1 7 1989

